

SEYFARTH SHAW LLP Kevin J. Mahoney (SBN 6299398) (<i>pro hac vice</i>) kmahoney@seyfarth.com 233 South Wacker Drive Suite 8000 Chicago, Illinois 60606-6448 Telephone: (312) 460-5000 Facsimile: (312) 460-7000 Mark. A. Wagner (UT 06353) mawagner@seyfarth.com 975 F St., N.W. Washington, DC 20004 Telephone: (415) 732-1152 Attorneys for Plaintiff Bill.com, LLC	
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UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - CENTRAL DIVISION

Bill.com, LLC, Plaintiff, v. Danielle Cox, Defendant.	<p style="text-align: center;">JOINT MOTION TO CONTINUE HEARING</p> <p style="text-align: center;">Case No. 2:23-cv-00026-HCN</p> <p style="text-align: center;">Hon. Howard C. Nielson, Jr.</p>
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JOINT MOTION TO CONTINUE

Plaintiff Bill.com, LLC (“BILL”) and Defendant Danielle Cox (“Cox”) (together, “the Parties”), pursuant to Federal Rule of Civil Procedure 65, respectfully move this Court for an Order continuing the previously-scheduled Preliminary Injunction hearing. In support thereof, BILL states as follows:

1. BILL filed its Emergency Motion for Temporary Restraining Order and Preliminary Injunction (Dkt. 5) on January 12, 2023 seeking the immediate return of its confidential, proprietary, and trade secret information as well as its company-issued laptop from its former employee Cox.

2. This Court granted BILL's Emergency Motion on the evening of January 21, 2023. That Order required the return of BILL's laptop and the return of its data through a third-party forensic vendor. (Dkt. 13, p. 6). The Order also set a preliminary injunction hearing for Friday, February 3, 2023. (*Id.*)

3. Defendant Cox returned BILL's laptop on January 25, 2023.

4. On January 26, 2023, Defendant Cox delivered other devices and accounts to a forensics vendor that she engaged. (*See* Declaration of D. Cox attached hereto as Exhibit A.)

5. The Parties are discussing the remediation work performed by that vendor and any further forensics work that may be required. The forensics vendor engaged by Cox has also agreed to provide an explanation of the work that was done and the steps that were taken with Cox's devices and accounts, with that explanation to be provided on or before February 2, 2023.

6. In the interim, Defendant Cox has agreed to the continuation of the injunctive relief in the Temporary Restraining Order, including the prohibition on any use or disclosure of BILL's information. (*Id.*)

7. The Parties respectfully request that this Court continue the previously-scheduled preliminary injunction hearing so that the Parties may work through any remaining issues with the forensics vendor engaged by Cox and confirm Cox's compliance with the terms of the Court's injunction. The Parties also request that the Court, by agreement of the Parties, continue the injunctive relief granted in the Temporary Restraining Order until further order of Court.

8. This Motion is not made for purposes of delay, but solely to allow the Parties to attempt to resolve any remaining issues related to the return of BILL's data in compliance with the terms of the Temporary Restraining Order.

WHEREFORE, the Parties respectfully request that this Court enter an Order continuing the preliminary injunction hearing currently set for February 3, 2023 to a mutually-agreeable date and time convenient for the Court, directing Cox to provide the details of the forensic work done by her vendor on or before February 2, 2023, and continuing by agreement the terms of the Temporary Restraining Order previously entered until further Order of Court.

/s/ Michele Anderson-West

Counsel for Plaintiff

(*electronic signature by Mark. A. Wagner
with permission by email)

/s/ Mark A. Wagner

Counsel for Defendant

DATED: JANUARY 31, 2023	Respectfully submitted, Bill.com, LLC By: <u>/s/ Mark A. Wagner</u> One of Its Attorneys
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